



January 31, 1991

Reply To
Attn Of: HW-112

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Kirk A. Steinseifer
Area Operations Manager
Van Waters and Rogers, Inc.
3950 N.W. Yeon Avenue
Portland, OR 97210

Re: Notice of Violation and Warning
Van Waters and Rogers, Inc., Portland
EPA ID No. ORD 00922 7398

Dear Mr. Steinseifer:

On September 10, 1990 representatives of the United States Environmental Protection Agency (EPA) conducted an inspection of the referenced facility pursuant to Section 3007 of the Resource Conservation and Recovery Act as amended by the Hazardous and Solid Waste Amendments of 1984 (RCRA).

The Oregon Department of Environmental Quality (DEQ) is authorized to regulate the management of hazardous waste in Oregon in lieu of the federal government except certain provisions contained in the Hazardous and Solid Waste Amendments of 1984. This inspection was conducted by EPA in cooperation with the DEQ in order to meet Congressional mandates under Section 3007(e) of RCRA.

The purpose of the September 10, 1990 inspection was to determine whether activities at the facility were in compliance with hazardous waste management regulations adopted by EPA and DEQ under RCRA. This Notice of Violation and Warning (hereinafter "Notice") is being issued to your facility based on findings from the inspection. Pursuant to Section 3008 of RCRA, DEQ was notified that EPA intended to issue this Notice.

At the September 10, 1990 inspection, the following violations of RCRA regulations were observed:

1. The facility did not retain copies of land disposal restriction notices for wastes manifested off-site as required by 40 C.F.R. § 268.7(a)(6)

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2. The facility did not maintain a copy of the HAZWOPER training certificate for William Kelly as required by 40 C.F.R. § 262.34(a)(4) and § 265.16(d)(4) as adopted by OAR 340-100-002.
3. A person working at the hazardous waste accumulation area does not have immediate access to a telephone, alarm button, or other communication device as required by 40 C.F.R. § 262.34(a)(4) and § 265.34(a) as adopted by OAR 340-100-002.
4. The satellite accumulation area was used to accumulate quantities of waste in excess of the 55 gallons allowed in 40 C.F.R. § 262.34(c)(2) as adopted by OAR 340-100-002.

In addition, it is necessary to clarify the regulations governing satellite accumulation areas. The loading dock cannot be used to store hazardous wastes generated at the ground water monitoring wells under 40 C.F.R. § 262.34(c)(1) because the loading dock is not at or near the point of generation. Hazardous wastes generated as a result of ground water sampling should be stored in accordance with 40 C.F.R. § 262.34(a) as adopted by OAR 340-100-002.

To address these matters fully, Van Waters and Rogers, Inc. must submit to EPA within 30 days of receipt of this Notice written documentation describing the measures that the facility will take to come into compliance with the regulations.

This documentation should be sent to:

Michael F. Gearheard, Chief
Waste Management Branch
U.S. EPA Region 10, HW-112
1200 Sixth Avenue
Seattle WA 98101

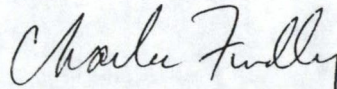
Failure to submit the requested documentation within the time period specified may subject Van Waters and Rogers, Inc. to enforcement action under Section 3008 of RCRA [42 U.S.C. 6928]. Such enforcement action could include the assessment of civil penalties of up to \$25,000.00 per day of noncompliance.

Should you or the company find at any time after submission of the requested documentation that any part of that documentation is false or otherwise incorrect, you or the company should immediately notify EPA and the Oregon Department

of Environmental Quality. Failure to do so may subject you and Van Waters and Rogers, Inc. to enforcement action under Section 3008(d) of RCRA [42 U.S.C. 6928(d)].

If you have any questions, please call Chae Pak at (206) 553-5153.

Sincerely,



Charles E. Findley, Director
Hazardous Waste Division

cc: Brett McKnight, OR Department of Environmental Quality
George Sylvester, Van Waters and Rogers, Denver